

G7461AP  
Z.L15  
Copy 1

Topic #6

DEVELOPING A LAND USE  
GUIDANCE SYSTEM FOR  
SOUTH CAROLINA



**DEVELOPING A LAND USE  
GUIDANCE SYSTEM FOR  
SOUTH CAROLINA**

**A Summary Report**

**Prepared By  
The South Carolina Division of Administration  
Office of Planning**

**June, 1972**

**The preparation of this report was financed in  
part by the Department of Housing and Urban  
Development.**

**TITLE:** Developing a Land Use Guidance System for South Carolina:  
A Summary Report

**AUTHOR:** South Carolina Division of Administration  
Office of Planning, Office of the Governor

**SUBJECT:** State Land Use Planning and Policy Development

**DATE:** June, 1972

**SOURCE OF COPIES:** National Technical Information Service  
Springfield, Virginia 22151

HUD Local Office Library  
1801 Main Street  
Columbia, South Carolina 29201

Office of Planning, Division of Administration  
Office of the Governor  
915 Main Street  
Columbia, South Carolina 29201

**HUD PROJECT NUMBER:** SCP-52

**NUMBER OF PAGES:** 30

**ABSTRACT:** This report outlines current progress toward developing a state-wide land use guidance system for South Carolina. The report (1) defines the basic land use issues, (2) describes current land use-related legislation, regulations, policies and programs of the State, (3) discusses factors contributing to the evolution of statewide land use planning, (4) describes the current efforts by the State to develop an appropriate land use guidance system, and (5) recommends a basic approach to land use planning and policy development.

## TABLE OF CONTENTS

### I. INTRODUCTION

### II. LAND USE ISSUES

- Urbanization
- Rural Development
- Transportation
- Tourism, Recreation and Leisure
- Major Developments
- Natural Resources
- Environment
- Taxation

### III. CURRENT LAND USE POLICY

- State Programs Related to Land Use
- Efforts Toward Consolidation of Land Use Policy
- Assessment of Strengths and Weaknesses

### IV. THE NEED FOR LAND USE GUIDANCE AT THE STATE LEVEL

### V. FISCAL YEAR 1972, PROGRESS REPORT

- The Governor's Conference on Land Use Planning
- The Interagency Work Group on Land Use Planning

### VI. A BASIC APPROACH TO STATEWIDE LAND USE GUIDANCE

- Objectives of the Planning Program
- Basic Principles
- System Design
- Agency Responsibilities

# DEVELOPING A LAND USE GUIDANCE SYSTEM FOR SOUTH CAROLINA

## I. INTRODUCTION

Development of a statewide land use guidance system poses one of the principal challenges now facing South Carolina. In introducing the National Land Use Policy Bill in January, 1970, Senator Henry Jackson aptly described the need for comprehensive land policy:

"Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecological sound development and for maintaining conditions capable of supporting a quality life and providing the material means necessary to improve the national standard of living."

While South Carolina is certainly not the first to recognize and accept this challenge, it must be counted among the forerunners in its attempt to address land policy issues and to devise effective means for making land use decisions. Governor John C. West's remarks to the Conference on Land Use Planning in November, 1971, provided the direction for this effort. He stated: /

"Land use planning is one of the broadest concepts we have ever undertaken in the State. It reaches into virtually every aspect of our communities, and touches the lives of everyone. In many ways, it is at the very heart not only of environmental protection, but also

our plans for resource utilization and economic development.

....Let us resolve that the South Carolina of the future is one in which farms and forests, factories and cities, are blended to the point that they live and grow together and environment, by its very nature, is characterized by balance and a self-perpetuating cycle. Through proper land use planning in South Carolina, we can--and must--achieve the type of balance which can assure future generations their full rewards from this earth's resources."

This report represents the culmination of an eight month effort to define a basic approach for eventual development of a Land Use Guidance System for the State. It does not constitute an in depth analysis but rather seeks to provide a general assessment of the problems and potentials of the State with regard to land use and its regulation. Specifically the report:

- Defines the land use issues confronting South Carolina and evaluates their implications for continued economic, social, and environmental enhancement of the State..
- Describes the current land use-related legislation, regulations, policies and programs of the State and its agencies and identifies the important strengths and weaknesses inherent to the existing governmental framework.
- Discusses those factors contributing to the recognition of land use planning and policy development as an essential element of the decision-making process and its inevitable evolution as a viable function of State government.

--Describes the current efforts by the State to develop an appropriate land use guidance system.

--Recommends a basic approach to land use planning and policy development considered appropriate for adoption in South Carolina.

## II. LAND USE ISSUES

During the past decade and especially in recent years, certain land use issues have emerged as critical to the long-range development of South Carolina. While the following discussion could, without doubt, be greatly expanded, it serves to focus upon those questions that South Carolina must begin to resolve during the 1970's. The manner in which the State deals with these issues will substantially influence the quality of life for generations to come.

### Urbanization

The migration from rural to urban areas is well documented and promises to continue as people move to the cities in search of a better job and a higher standard of living. A realistic appraisal of the social and economic system prevailing in America today and the important trends that have persisted since World War II point to one conclusion--the agrarian economy that once characterized this nation is a thing of the past and the future will clearly be dominated by an urban-oriented society. This is not to say that growth cannot or will not occur in rural areas but if so it will be closely tied to the urban economy and heavily dependent upon nearby urban areas for the services and cultural amenities commonly associated with a high standard of living. It realistically follows that much of the future growth in this country and in South Carolina will be



urban and will take place in or near existing metropolitan areas and medium-sized cities and towns.

How can the cities cope with the increasing demand for services and how can the adverse effect of rapid growth be minimized? The spiraling cost of materials and labor, the scarcity of trained manpower, the inability of the property tax to provide sufficient revenue to offset inflation, deteriorating housing and community facilities, and a variety of other ills are common and effective solutions have all too often been isolated and of short duration. Finding remedies for these problems will not be simple nor will answers come easily. It is clear, however, that some new approaches must be found and some antiquated institutions must be abandoned. Improved planning would be a move in the right direction.

The State has an important stake in urban growth and development. Many of the required services will be provided by State agencies and much of the financial assistance available to urban areas will ultimately be administered by the State. In addition, urban growth consumes an enormous amount of the State's land resource and irretrievably denies its use for other purposes. Development of a comprehensive urban growth policy becomes a key issue of importance to the entire State and an essential element of a comprehensive land use guidance system.

#### Rural Development

The decline of the rural economy over the past three decades has caused serious concern and has been the object of numerous programs undertaken by both the public and private sectors. Despite these efforts and an enormous outlay of funds, the effectiveness and permanence of such efforts is in doubt and the plight of rural America



remains a controversial issue. New strategies and methods are needed and, perhaps most important, a consensus must be reached as to the proper approach necessary to resolve rural problems and enhance the attractiveness of rural areas.

Land use considerations are an essential element of any rural development strategy especially if limited resource allocation is to achieve realistic objectives. What areas have development potential and what areas are not likely to experience growth? Should urban growth be discouraged in some areas? If so, upon what rationale and what alternative land uses are desirable? Is the conservation of prime agricultural lands and other natural resources preferable to urban-oriented development? If so, which lands and resources are most critical? How can land use controls and investment policies be used in rural areas to achieve maximum benefit at least cost? These and numerous other questions must be answered before a viable rural development program can be attained. Although these problems and the efforts aimed at their solution impact locally, the responsibility for ultimately resolving the conflicts lies with State government and will almost certainly remain a highly volatile issue during the 1970's.

#### Transportation

The transportation needs of South Carolina raise two basic land use issues. First, all transportation facilities--highways, railroads, airports, and waterways--require enormous tracts of land and convert it irretrievably to a single purpose. Most municipalities devote at least 20-25 percent of their total land area to transportation and over a half million acres in this State alone are used for highways. The demand for better and faster movement of people and goods will require even greater amounts of land, much of it within already crowded urban areas. If this demand is to be met without

sacrificing scarce environmental and cultural amenities the planning process must be improved and, in many cases, a new system of priorities for land use must evolve.

Second, the availability of adequate transportation is essential to economic growth and significantly influences land use patterns. Unfortunately, past decisions and policies have all too often disregarded this aspect of transportation to the detriment of both the community and often the transportation facility itself. Transportation's role in the total land use and development picture of the State has not yet been realistically assessed nor policies developed to take full advantage of transportation's impact on the community. These issues will with time exert a greater and greater influence upon land use planning and policy development.

#### Tourism, Recreation and Leisure

The need to set aside appropriate land to meet leisure time demands is one of the most challenging and unpredictable aspects of the land use planning process. By 1990, for example, about 50 percent of American families will earn more than \$15,000 annually representing a substantial increase over the 17 percent that presently enjoy that income level. In addition to more disposable income, the American family will also have more time in which to spend their money. Over the past century, the average work week has been reduced by 13 hours thus netting the worker 675 hours of free time annually. When added to increased vacation time and more paid holidays, the total gain in free time amounts to nearly 800 hours annually or roughly one month out of twelve, and the current trends point to even more dramatic increases in leisure time.

The impact of these trends is readily visible today in South Carolina. The rapid growth of the Grand Strand, the pressure for development within the coastal zone, the

rising cost of land around or near waterways, lakes and other recreational areas, and an expanding tourist industry all provide evidence of the impact of increased leisure time and the growing affluence of the population. Enormous amounts of land will be required to satisfy this spiraling demand and its ramifications for land use planning are abundantly clear.

Unfortunately, the problem cannot be solved by merely setting aside a specified number of acres. Only certain lands possess the unique qualities required for recreational use and often these same lands hold the greatest attraction for other uses as well. In addition, the ecological balance of wilderness areas, estuaries and other natural areas can be inadvertently upset by man's activities thus destroying part or all of their beauty and their potential for leisure time enjoyment. If the challenge is to be met, the State must now identify those areas most appropriate for recreational use and devise the means for protecting such lands from the adverse effects of urbanization and preserving them for public use and enjoyment.

### Major Developments

While most individual development projects are of only local significance, some unquestionably have statewide impact. The Trotter Shoals Reservoir, the Keowee-Toxaway project, the proposed Santee-Cooper recreation complex, the expansion of the Charleston Port and the nuclear energy project proposed by Allied Gulf provide examples of current projects that are significant to both the economic and environmental well-being of each South Carolinian. Smaller projects that may not individually be of statewide interest but which collectively may have significant economic impact or adversely affect the environment also warrant close examination by the State. Resort

developments that exploit shorelines and tidelands, residential growth around lakes and streams, and major investments in tourist-oriented facilities provide good examples of the impact that numerous small but similar projects may have upon the State's natural resources and upon its economic structure.

To deal effectively with major developments, the State must, within the framework of land use planning and policy development, establish criteria which permits developments of statewide concern to be readily identified and their impact to be realistically evaluated. The review procedure must be based upon predetermined performance standards and closely tied to the planning process at the regional and local levels. In short, if future land use crises are to be avoided, the State must replace its "ad hoc" approach to the problems posed by major developments with comprehensive policy based upon sound planning.

#### Natural Resources

The natural resources of South Carolina are not unlimited and the growing realization of this fact has contributed substantially to the evolution of land use planning as a function of state government. The State's land, its water, its forests, its minerals and its marine resources have traditionally been viewed as commodities to be used and exploited for economic gain. The complexities and delicate balance of our natural systems have generally been ignored and, in many instances, resources have been wasted or irretrievably lost. The consequences of this course of action are enormous and if allowed to continue will almost certainly result in depletion of natural resources and unpredictable alteration of the natural environment.

The exploitation of the coastal zone is one aspect of this issue that warrants immediate consideration. Until recently, the coastal wetlands were viewed as wastelands and developers dredged and filled these areas with little thought of the ecological consequences. Today, their productiveness and biological importance is well documented and strong measures have been proposed to prevent their further abuse. The resulting controversy is one of the most pressing and most explosive issues currently facing South Carolina. In a similar vein, the State's shoreline is being disfigured by marginal development. In their desire to be close to the sea, developers and homeowners have destroyed the natural features that provide stability to the seashore and have thus accelerated natural erosion processes. Beach erosion is now critical over 57 miles of South Carolina coastline and the cost of correcting these problems will be enormous.

To properly manage its resources, the State must first identify them, classify them and determine their potential worth to the State. Second, criteria and priorities must be established for the use of available resources. Whether the ultimate decision is to preserve, conserve or perhaps exploit certain resources, such judgments should only be made in the light of all pertinent information and with a clear understanding of the ramifications of alternative courses of action.

#### Environment

Preservation of the environment has evolved in recent years as a state and federal function with broad regulatory powers vested in enforcement agencies at both levels. There is a growing awareness, however, that environmental quality cannot be maintained through exercise of the police power alone. Environmental considerations must pervade

the full range of governmental activities and influence private decisions as well if the Nation and the State are to bring this problem within manageable limits.

Sound land use policy is essential to a quality environment. Since man's impact upon his environment increases in direct proportion to population density and the intensity of land use, it is clear that proper land use management can positively influence environmental quality. Land use controls and investment policies could, for example, effectively distribute growth over a wider geographic area, thus diffusing the impact of man's activities. Proper land use planning might also be used to project future growth and allocate sufficient resources to prevent environmental degradation. The potential is virtually unlimited but some perplexing questions must first be addressed by state government before positive steps can be taken. Almost certainly some new concepts must evolve and some new approaches must be tested before meaningful action can be affected to preserve the clean water, pure air and aesthetically pleasing surroundings South Carolinians now enjoy.

#### Taxation

The heavy reliance of local government upon the ad valorem property tax poses a two-horned dilemma. The property tax remains the backbone of the local tax base and provides a lion's share of the revenue required to support schools, finance public improvements and defray the overall cost of local government. In contrast, there exists a growing sentiment in this country that property taxation laws as presently structured and administered are inherently inequitable and unfair, and some recent court decisions (specifically in California and Texas) have seriously shaken the constitutional foundation upon which the property tax is based. In addition, the property tax does not perform

well in times of inflation nor does it promote desirable urban development. It, in fact, tends to encourage urban sprawl and fragmented development and in so doing runs counter to sound land use planning principles.

It is clear that local governments in South Carolina cannot withstand any reduction in revenue and must, in fact, increase their financial capacities if they are to remain viable. The ability of the ad valorem property tax to meet these demands is, however, doubtful and the tax structure may well require alteration in the near future to satisfy revenue needs. In the search for improved taxation, it is essential that the impact of alternative forms of taxation upon land use and the development objectives of the State be given priority consideration.

### III. CURRENT LAND USE POLICY

How well is South Carolina equipped to deal with its land use issues? To adequately answer this question, an understanding of the structure of state government and the land use policies of the various agencies is essential. An awareness of recent efforts to coordinate state actions with regard to land use is also important and serves to pinpoint some overall strengths and weaknesses of the existing framework.

#### State Programs Related to Land Use

State government is the largest single enterprise operating within South Carolina with such a wide range of responsibilities relating to land development. Its annual budget is now in excess of one billion dollars including the services of more than 30,000 employees who work in one of 110 state agencies. More than 1.2 million acres of land are state-owned including some 500,000 acres of highway



rights-of-way and another 500,000 acres of tidelands. The total figure also includes sizeable holdings by the Forestry Commission, the Public Service Authority, Clemson, the University, the Wildlife Resources Commission, Parks Recreation and Tourism, and others.

As significant as the State's budget, employment and land holdings are, at least two other key factors must be added to portray accurately the State's role in land development. First is the fact that the General Assembly prescribes the land use guidance responsibilities and authorities of local government. Through various enabling acts, the General Assembly grants these authorities and responsibilities to cities and counties, and concurrently establishes constraints on the degree and type of guidance and control which may be exercised.

Second, there is direct State involvement manifested through development standards, procedures and policies established by State agencies pursuant to actions by the General Assembly. Examples include the Water Quality Standards established by the Pollution Control Authority, the School Site and Locational Standards administered by the Department of Education, and the Septic Tank Regulations promulgated by the Board of Health. These are direct expressions of State policy which bear heavily upon land use and development throughout the State. To better understand the impact of the State's policies and programs, a more specific description of the agency functions is necessary. For this purpose the agencies and programs of the State are categorized as follows:

Category I: Direct Development

Category II: Regulation

Category III: Grant Program Administration

Category IV: Technical Assistance

Category I: Direct Development. The State agencies in this category directly influence land development by owning, developing and managing land resources.

The Highway Department is perhaps the clearest example of this influence. In 1970, for example, this agency invested some \$123,000,000 in highways and related facilities, the impact of which undoubtedly was felt in every corner of the State. In addition, the Highway Department currently manages more than 40 percent of the State-owned land.

The State Ports Authority is also a direct developer. All existing port facilities in South Carolina were developed under the auspices of this authority and current plans call for significant expansion especially at Charleston.

The General Services Division is responsible for providing and maintaining office space and support facilities for the State agencies in Columbia. The Division is directly responsible for implementation of the State Capitol Complex Plan and construction is now in progress.

Numerous other agencies are also involved in direct development efforts. Some examples include the Public Service Authority, Parks, Recreation and Tourism, Wildlife and Marine Resources Department, and the various colleges and universities.

Category II: Regulation. The State also influences land use through its role as "standard setter" or regulator. The Pollution Control Authority, the State Board of Health, the State Fire Marshall, the Public Service Commission, and a variety of

others promulgate rules and regulations that may substantially affect both public and private land use decisions.

Category III: Grant Program Administration. The involvement of the State agencies in the administration of grant programs--most of them federally funded--provides a third means through which state government influences land development. These programs place State agencies in position to determine, in collaboration with the local and federal interests involved, the location and design of those developments to be assisted financially. Some examples include the Coastal Plains and Appalachia programs administered under the Governor's direct supervision, the Community Planning Assistance Program (701) administered by the State Division of Administration, the State Airport Development Program under the direction of the State Aeronautics Commission, the Hill-Burton Hospital Construction Program administered by the State Board of Health, the Bureau of Outdoor Recreation Program handled by the Department of Parks, Recreation and Tourism, the Historic Preservation Program administered by the Department of Archives and History, and the Wastewater Treatment Facilities Grant Program administered by the Pollution Control Authority. These programs constitute an important aspect of the State's "Development Plan" (even though they respond to a divergent range of federal interests) and significantly expand the State's influence on land development.

Category IV: Technical Assistance. State government is engaged in wide varieties of activities which fall generally into the technical assistance category. Such assistance is generally available to local governments, regional agencies, state agencies, other public organizations and in some cases to private interests.

The Land Resources Conservation Commission, for example, works closely with their counterpart local districts in watershed planning, sediment control and flood control. The Commission is also involved with standard soils mapping in cooperation with the U.S. Soil Conservation Service. Along these same lines, the Development Board's Division of Geology does geologic mapping and has taken a lead role in the topographic mapping program sponsored by the U.S. Geological Survey. The Forestry Commission through its Forest Management Assistance Program provides advisory services to some 30,000 land owners involving approximately 4 million acres of forest.

The Water Resources Commission has played a lead role in the coastal zone management program and the assessment of both surface and ground water supplies. In a similar vein, the Marine Resources Center under the Department of Wildlife Resources has developed an outstanding research capability in the area of marine science and marine resource development.

The State Development Board in the exercise of its responsibility to stimulate economic growth in the State, provides technical assistance to industry regarding available sites and manpower needs, and assists communities to enhance their development potential.

The State Division of Administration performs a rather broad technical assistance function primarily related to planning. Especially noteworthy are the Community Planning Assistance Program available to local governments and regional planning agencies and the statewide planning activities that relate to the full range of state government activities.

## Efforts Toward Consolidation of Land Use Policy

While it would be misleading to say that the State has made a concerted and conscious effort to consolidate state land use policy, some recent actions have represented a positive move in that direction. Of specific importance are (1) the establishment of the ten sub-state planning districts and the creation of the councils of government, (2) the A-95 review procedure and (3) the Environmental Impact Statement requirement.

Regional Councils of Government. In response to growing pressures placed on local governments and the need for comprehensive planning to satisfy federal grant requirements, the State's planning enabling legislation was amended in 1967 (Act No. 487 of 1967) to permit counties and cities to jointly undertake planning on a regional basis. In 1969, former Governor McNair provided the needed catalyst for the regional planning concept when, by executive order, he designated the boundaries of the ten sub-state planning districts. Since that time, constitutionally-established Councils of Government have been created within each of the planning districts, professional staffs have been retained and planning undertaken for a full range of governmental activities including land use.

Through the Regional Councils of Government, the question of land use can for the first time, be addressed uniformly with complete statewide coverage. In fact, generalized land use plans for the seven non-metropolitan districts have recently been completed and provide an initial analysis and summary of land use problems and objectives throughout the State. The Regional C.O.G.'s also serve to coordinate actions by local

government and provide an important mechanism through which state objectives may be achieved.

A-95 Review. Revised Circular No. A-95 issued by the U.S. Office of Management and Budget to implement Title IV of the Intergovernmental Cooperation Act of 1968, established procedures for the review and evaluation of all federal and federally-assisted projects. In accordance with this procedure, state and regional clearinghouses were established and charged with the responsibility for notifying appropriate agencies of subject projects and coordinating their review. Since its inception, this procedure has become well established within the governmental processes of the State and currently provides the best tool for coordinating action programs at all governmental levels.

The A-95 Review Procedure holds broad potential for developing and implementing land use policies. It is important to note, however, that A-95 only spells out the guidelines for review--it does not establish criteria by which individual projects are to be judged. If such criteria can be determined through land use planning and subsequent policy development, A-95 provides one important tool for achieving desired land use objectives.

Environmental Impact Statements. Section 102(2)(C) of the National Environmental Policy Act of 1969, requires federal agencies to submit to the Council on Environmental Quality (CEQ)--on any action significantly affecting the environment--an "environmental impact statement." While it is the federal agency that must submit the statement, the procedure provides for input by those State and local agencies which are authorized to develop and enforce environmental quality standards. This environmental review process is an integral part of A-95 and it is the responsibility of the

clearinghouses to identify appropriate State or local environmental agencies, provide them with project notifications, and assure them opportunity to make such comments as they may deem appropriate.

The potential importance of the "environmental impact statement" to environment and land use questions is obvious. The procedure, as now used in South Carolina, will require refinement, sophistication and perhaps expansion before its value can be realized. The "environmental impact statement" is nonetheless an important step toward more responsive action with regard to the environment.

#### Assessment of Strengths and Weaknesses

With regard to the State's present role in land use guidance, some important strengths and weaknesses are apparent. On the positive side the following points are noteworthy:

1. There are relatively few constitutional constraints limiting the role of the State in land use guidance and control. The General Assembly may, through its general legislative powers and its authority to amend the State's constitution, legally structure its laws and policies to implement virtually all worthwhile land use policies and objectives.
2. Land use planning and policy implementation capabilities presently exist at all levels of government, thus eliminating the necessity of substantially altering the existing governmental framework to deal with land use problems.
3. The State through its agencies and the C.O.G.'s has established a viable relationship with the federal agencies.



4. The State agencies presently have broad legislative authority to deal with a multitude of problems including the environment and land use, and, as a result, most existing and conceived land use policies could be implemented by existing State agencies and within the existing administrative framework.
5. The State, through its multiplicity of simple purpose agencies and its academic institutions, has developed extensive physical and human resources. Consequently, expertise and information regarding virtually all potential problem areas is available within the State and reasonably accessible to state government.

On the negative side, the following factors present major obstacles to the realization of State objectives:

1. The State machinery lacks guidance and coordination. Each State agency within the resources available, is attempting to achieve its own specific objectives often with little awareness of related programs. There presently exists no agency or procedure to affect coordination and cooperative efforts are fragmented and unreliably voluntary.
2. There currently exists no state-sponsored program directed specifically to land use problems. While many of the State's agencies are aware of such problems and consider them to be of importance, land use and its guidance is at best a secondary function and will generally be sacrificed to achieve more explicit objectives.

3. The State has not yet developed a unified statement of land use policy. For all practical purposes, statewide land use policy in South Carolina consists of a conglomerate of often unrelated and sometimes conflicting rules, regulation and policies established by the full spectrum of State agencies. Consequently, land use decisions must be made without the benefit of uniform policy and in the absence of established priorities against which decisions, programs and policies can be evaluated.

#### IV. THE NEED FOR LAND USE GUIDANCE AT THE STATE LEVEL

Two overall conclusions emerge from the preceding discussions: (1) the State of South Carolina must come to grips with crucial land issues during this decade and (2) the State has not yet evolved a comprehensive land use policy nor the framework for fully assessing and adequately guiding the impact of public and private action upon the environment. The land use guidance concept embodied by this report is directed toward resolution of this dilemma and the logic behind the overall approach appears relatively clear. Yet some basic elements of this concept do require elaboration. Why is the State the most logical level of government to develop a land use guidance system? Why must this effort be undertaken now and why is a new approach necessary? To answer these questions, certain important factors must be considered--factors which are contributing to the evolution of land use planning as a viable function of state government.

THE STATE IS THE MOST APPROPRIATE GOVERNMENTAL JURISDICTION TO DEAL WITH ENVIRONMENTAL ISSUES AND MAJOR LAND USE PROBLEMS. Under

the U.S. Constitution, all power--both federal and local--is derived from the States. While it sometimes appears that the constitutional prerogatives of state have been eroded and usurped, the state nevertheless had extremely broad authority covering the full range of governmental activity and is only subject to constitutional constraints in its exercise of that power. In addition, the state has sufficient political base and resources to deal with environmental issues objectively. The federal agencies are also relying heavily upon the state to adopt and enforce federal regulations, and to coordinate and administer federal assistance programs.

GOVERNMENTAL DECISIONS AT ALL LEVELS ARE BECOMING INCREASINGLY COMPLEX AND THE IMPACT OF THOSE DECISIONS IS BECOMING INCREASINGLY DIVERSE. Over the past few decades, the pace of society has quickened and government has expanded in an attempt to meet increasing demands. The issues confronting the decision-maker are no longer simple and often require extensive and specialized analysis before a rational decision can be reached. In addition, it is increasingly evident that no government exists in a vacuum. Decisions made today impact in a complex manner upon surrounding communities and may hold severe consequences for the future.

THE SINGLE-INTEREST APPROACH TO THE STATE'S PROBLEMS IS OBSOLETE. The large majority of state agencies were established to achieve a specified objective or set of objectives well defined by legislative action. As a result, state programs characteristically exhibit a narrow focus with inadequate consideration given to the effect of agency action upon other state and local programs and overall state objectives.

While the single-interest approach to problems is often quite effective, within its limited scope, the incidental effects of such action may not be in the long-term interests of the community.

THE STATE IS UNABLE TO ADEQUATELY RESPOND TO LAND USE CRISES-- CRISES THAT DEVELOP WITH INCREASING FREQUENCY. The land use controversies experienced by South Carolina in recent years have emphasized the State's inability to respond to such problems in an adequate and timely manner. Decisions have, in some instances, been made without essential information and, in other cases, final action has been substantially delayed to permit a more in depth analysis. Land use conflicts will almost certainly become more frequent and it is clear that response mechanisms must be improved and information made more readily accessible.

LOCAL GOVERNMENTS CANNOT EFFECTIVELY DEAL WITH LAND USE PROBLEMS OF STATEWIDE OR REGIONAL SIGNIFICANCE. Land use regulations traditionally adopted by county and municipal governments are limited to relatively small geographical areas and rarely reflect concern for issues of greater than local significance. If presented a choice, local governments will usually opt for economic development at the expense of the environment and without consideration to land use objectives set by the region or state. In addition, because of the normally small political base, local governments are especially sensitive to development pressures exerted by a relatively few influential persons or groups, and the larger projects of substantial economic impact--and also of the greatest environmental significance--are rarely opposed successfully at the county or municipal level regardless of possible adverse effect upon the state or region.

THE FEDERAL-STATE INVESTMENT IN ECONOMIC AND PHYSICAL DEVELOPMENT IS PRESENTLY AT RECORD LEVELS AND EVEN MORE DRAMATIC INCREASES ARE ANTICIPATED. The enormous amounts of money expended by the federal government and made available to the states and localities through various assistance programs coupled with a growing state investment in physical facilities and economic development will go far toward shaping South Carolina's environment for years to come. If this investment is to yield a rich return, careful consideration must be given to long-range potentials, and priorities directed to achieve a quality environment.

THE FEDERAL ESTABLISHMENT IS DELEGATING MUCH OF THE RESPONSIBILITY FOR FUNDING ASSISTANCE TO THE STATES. The various revenue sharing plans now before congress and the growing reliance upon the respective Governors for approval of federal fund allocations squarely places the responsibility for the success or failure of governmental programs with the states. To assure that available funds are used effectively, the capacity of the state to identify and ultimately cope with its problems must be improved.

THE ADMINISTRATION'S PROPOSAL FOR GOVERNMENTAL REORGANIZATION AT THE FEDERAL LEVEL WILL DRASTICALLY ALTER THE FEDERAL-STATE RELATIONSHIP. The state and its local governments now receive federal assistance from a multiplicity of agencies for a variety of purposes in accordance with established program restraints. The proposed Department of Community Development would consolidate those agencies now providing brick and mortar funds thus (at least in theory) eliminating the complexities and rigidity of the existing system. How quickly and well the state responds to the new

department may in large measure determine the future pace of economic development in South Carolina.

A NATIONAL LAND POLICY IS EMERGING WITH SIGNIFICANT IMPLICATIONS FOR THE STATES. More than 150 national land use and coastal zone management bills are now pending before congress. While there are substantial differences among these various bills, those versions given the best chance for passage share one important element--the responsibility for developing and implementing required land use plans rests with the states. The penalty for inaction for the state is intervention by the federal government.

While the preceding list of factors could perhaps be expanded, the need is clear. South Carolina must develop a comprehensive land use planning and policy development capability if it is to effectively address its land use issues and maintain the quality of its environment. Significant steps are now being taken to develop this capability.

#### V. FISCAL YEAR 1972 PROGRESS REPORT

Fiscal year 1972 witnessed this state's first meaningful attempt to deal with land use and to develop a statewide land use guidance system. The Governor's Conference on Land Use Planning provided the catalyst and direction for this effort. As a result of that conference, the "Interagency Work Group on Land Use Planning" was appointed and given the responsibility to develop a basic approach for statewide land use planning and policy development. This report represents the culmination of this initial endeavor.

#### The Governor's Conference on Land Use Planning

Governor West called the first Annual Governor's Conference on Land Use Planning in November, 1971, to focus upon urban, industrial and agricultural land

use issues and to discuss the role of the State in land use planning. The Conference was sponsored by the South Carolina Soil and Water Conservation Commission (now the Land Resources Conservation Commission) in cooperation with Clemson University and the State Planning and Grants Division (now the Division of Administration). Attendees included public officials from both state and local governments, representatives from the academic institutions, professional planners, architects and engineers, and other interested citizens.

The Conference voiced essentially the same concepts and principals previously discussed in this report and served to emphasize the necessity and urgency of new approaches to land use planning. It is viewed as a mandate for expanded research in the area of land use guidance and the establishment of the Conference as an annual affair indicates the commitment of the State to this concept.

#### The Interagency Work Group on Land Use Planning

As a result of the Governor's Land Use Conference, an "Interagency Work Group" was appointed to explore means and methods of understanding and positively influencing land development. The members of the Work Group represent those state agencies most concerned with land use:

Division of Administration (Coordinator)

Development Board

Highway Department

Wildlife and Marine Resources Department

Department of Parks, Recreation and Tourism

Water Resources Commission



Land Resources Conservation Commission

Attorney General's Office

Budget and Control Board

In an effort to determine existing policies, concepts, and attitudes regarding statewide land use guidance, the Work Group interviewed a cross-section of individuals and agencies throughout the State. This effort served to inform interested parties of the important land use issues, to solicit support and to generally define plausible and acceptable policy alternatives. An extensive inventory of land use-related policies and programs was also gained along with a better understanding of the various organizations and their potential role in land use guidance.

The firm of Wilbur Smith and Associates was retained to objectively review the State's role in land use guidance and to prepare the initial design for a statewide land use guidance system. Special emphasis was placed upon those tasks to be undertaken during the first year (FY 73) including an estimate of manpower requirements. The study recommendations are reflected throughout this report.

The Corps of Engineers selected South Carolina as one of four states to conduct an "Environmental Reconnaissance Inventory Pilot Test." The principal objective of the inventory was "to provide an environmental early warning system, i.e., to identify and locate before planning begins, resources and amenities (both natural and man-made) which comprise man's physical, biological and cultural environments, which are of at least statewide or national significance." Because this effort so closely parallels the thrust of the State's land use policy efforts, the Work Group assisted the Corps during

the data collection phase. The results of this study are expected by September, 1972, and will provide the background for the identification of critical areas.

And finally, the concept of statewide land use guidance was formally presented to each of the ten Regional Councils of Government. An exchange of ideas was strongly encouraged and the state-regional relationship explored. A special attempt was also made to clearly state the conceived role of the C.O.G. in land use planning and policy development.

The results of these activities and the recommendations offered by the consultant were thoughtfully considered and evaluated by the Work Group and a consensus reached as to the basic approach most appropriate for South-Carolina.

#### VI. A BASIC APPROACH TO STATE-WIDE LAND USE GUIDANCE

The task assigned to the Interagency Work Group on Land Use Planning involved the development of short-range recommendations containing long-range implications. The approach intended for the development of a state-wide land use guidance system entails identification of the basic components comprising the planning program. Specifically, such a planning program will identify the basic objectives to be accomplished by the Land Use Guidance System. The planning program will set forth the basic principles underlying the State's role in land use guidance. To achieve the stated objectives and in accordance with the adopted principles, a system design for the planning process will be recommended. A final element of the basic approach to land use guidance will entail an explanation of agency responsibilities encompassing a summary of recommendations for actions which will encourage a more effective accomplishment of the task at hand. The work program recommendations discussed on the following pages extend over a two-year

time frame but are intended to constitute the basis for a continuing State role in land use guidance.

### Objectives of the Planning Program

The recommended planning program is designed to achieve three basic objectives. These include: (1) the identification of land use issues; (2) the expression of land use goals, objectives and strategies, and a statement of land use policy; and (3) the development of tools to achieve these goals and objectives and to implement land use strategies. These basic objectives are elaborated upon in the following paragraphs.

THERE MUST BE PREPARED A PRECISE DEFINITION OF THE LAND USE ISSUES TO WHICH THE LAND USE GUIDANCE SYSTEM SHOULD BE ADDRESSED. The identified land use issues represent major areas of State concern in which key decisions must be acted upon in the near future. Many of these decisions are crucial to present development and cannot wait upon the formulation and adoption of a long-range plan but must be acted upon immediately. Certain land use issues which have emerged as critical to the long-range development of South Carolina were discussed earlier in this publication. These land use issues include: urbanization; rural development; transportation; tourism, recreation and leisure; major developments; natural resources; environment; and taxation. In addition, these issues must be continuously redefined as resources and priorities change, to meet the changing State's needs. Thus, the Land Use Guidance System is designed to deal with both immediate problems as well as the formulation of long-range policy.

THE PLANNING PROGRAM WILL ENCOMPASS AN EXPRESSION OF LAND USE GOALS, OBJECTIVES AND STRATEGIES, AND A STATEMENT OF LAND USE POLICY ACCEPTABLE FOR ADOPTION AND APPLICATION ON A STATE-WIDE BASIS. The

land policy statement is intended to provide a concise expression of the State's basic approach to land use guidance. The policy statement is to be based on decisions about State development goals and the most appropriate means of achieving them. At the same time this determination of goals and objectives would examine the question of balance between preservation and development. Such a statement would identify those land areas suitable for preservation, enhancement or development to protect the natural resources and environment of the State, facilitate orderly and well-planned development, stimulate economic growth, and provide a quality living environment for the residents of this State. Priorities must also be established if adopted objectives are to be realized and finally strategies for achieving those objectives must be developed.

THE PLANNING PROGRAM SHOULD PROVIDE FOR THE DEVELOPMENT OF APPROPRIATE TOOLS TO ACHIEVE ESTABLISHED GOALS AND OBJECTIVES AND TO IMPLEMENT ADOPTED STRATEGIES FOR LAND USE GUIDANCE. There are a variety and range of sophistication of tools applicable for the implementation of state-wide land use guidance. One such tool involves the application of tax policies, implemented by means of tax incentives, assessments, deferrals, or special levies to encourage land use development in compliance with State policy. A second such tool might involve facilities control, exercised by a sliding scale of fiscal support for location of public facilities or through regulation of the location of public facilities. A third possible guidance tool could involve the application and regulation of rights-less-than-fee-simple, such as easements, acquisition of development rights, covenants or other techniques which can be used to supplement other management tools. Use of the police power, either directly by the State or by other levels of government with State supervision would involve such

forms as subdivision regulations, zoning, density controls or other measures designed to protect the "health, safety, and welfare of the general public." By applying these tools the State can undertake or develop: an analysis of issues or actions as problems arise; establish guidelines for local planning and land use control; facilitate State and regional review of local actions; exercise State control in critical areas, key facilities, or major developments; establish minimum standards for unregulated lands; and provide comprehensive land use guidance on a state-wide basis. The basic principle for application of guidance tools in the State will emphasize the need for positive incentives wherever possible and resort to regulation only where necessary for the public interest

#### Basic Principles Underlying the State's Role in Land Use Guidance

Six basic principles are considered essential to the successful development of a land use guidance system in South Carolina. These principles guided the development of the recommended planning program and provide the foundation for continued land use planning and policy development.

1. A VIABLE BALANCE MUST BE ACHIEVED BETWEEN PRESERVATION AND DEVELOPMENT. The primary impetus for the growing number of States' involvements in land use guidance has been increasing concern with the impact that development and growth are having on the air, water, and land. Unplanned urban growth and suburban sprawl, inequities in services and assessments, haphazard selection of residential and industrial sites, and wasteful use of farm and forest land are but a few of the consequences of ineffective land use planning. South Carolina has committed itself to the dual task of achieving growth and development while minimizing their negative impact on the living environment. Thus the land pattern to be achieved should effect a viable balance

between development and preservation. Those elements of a quality life that should be preserved and those lacking that should be developed must be identified and State land use policies providing the tools to resolve potential conflicts resulting from increased demands on the land must be formulated.

2.) THE LAND USE GUIDANCE SYSTEM MUST INVOLVE THE FULL PARTICIPATION OF LOCAL GOVERNMENT. Implementation of a State Land Use Guidance System must involve all levels of government. It is intended that a redefinition of the State's role in land use guidance will strengthen rather than erode the capability of local government to influence land use. Local governments are expected to review the findings and information of the State, participate in policy determination and wherever feasible actually implement and administer policies set by the State. The State's involvement will be generally focused on large-scale problems while many of the details of land use planning are of only local concern. As the State is attempting to achieve a regional approach to land use guidance, the prime contact of the State with local governments will be accomplished through the Regional Councils of Governments now established in each of the ten sub-state planning districts.

3.) COORDINATED STATE ACTION IS ESSENTIAL. Another principle of the new State role in land use guidance is the coordination of State agencies. As previously discussed, many existing State agencies have a major role in shaping land use, and many have developed functional plans for economic development and land use. There is an established need for coordination and more effective use of available information and data in the development of the various policies, plans and programs. Instances of the integration of agency projects into a single plan must become more common place and statements of

unified State agency positions on problems should be encouraged to strengthen the State land use guidance system.

4.) THE STATE'S POSITION VIS-A-VIS FEDERAL AGENCIES MUST BE UNIFIED.

The proliferation of federal categorical grants-in-aid has in many ways been responsible for an increased fragmentation of jurisdictional responsibility for the provision of services. If the State is to fully and effectively utilize all available federal assistance, it is important that the State present a unified front to Washington. It is also essential that the various federal agencies be made aware of the State's posture regarding federal programs and understand the State's priorities for investment. A consolidated State approach should also facilitate favorable and speedy action on specific projects of significance to the State's development.

It is to the State's advantage for State agencies to present a united position on a proposed federal project. The land use guidance system will provide the agencies with warning of early decisions on federal projects which are imminent. The system will set up means for agency discussions and exchange of pertinent information which facilitates the reaching of agreement before the crisis situation develops.

5.) A FULL RANGE OF GUIDANCE TOOLS MUST BE UTILIZED. Previous discussion emphasized the variety and range of sophistication of tools available to the State to guide land use. It is essential that investigation and analysis of the State's needs and resources in regard to land development identify the full range of guidance tools available to implement State land use policy. In evaluating which tools prove applicable, it must be re-emphasized that the basic principle will be to use persuasion and guidance wherever possible and to use control only where necessary for the public interest.

*taxes, zoning, etc*



6) PROBLEMS OF STATEWIDE CONCERN WILL PROVIDE THE FOCUS FOR THE LAND USE GUIDANCE SYSTEM. The major thrust for land use guidance will come from areas that are of state-wide concern because: (1) they involve areas of critical environmental concern; (2) they are areas impacted by key facilities; (3) the area involves proposed large-scale development of more than local significance and such land use of regional benefit should not be unreasonably restricted or excluded by local regulations; and (4) areas which are intended for development as large-scale subdivisions and should be regulated in order to insure the planned maximum beneficial use of land.

State authority over the use and development of land in areas of critical environmental concern will provide protection to such areas as coastal zones, estuaries, shorelands, areas of unstable soils, significant undeveloped agricultural lands, watershed lands, and other similar areas. State regulation of areas impacted by key facilities would provide for control of areas which tend to induce development and urbanization such as airports, access highways, interstate highways, and other public facilities. Large-scale developments of more than local significance in their impact upon the environment prove to be of State-wide concern for such reasons as the amount of vehicular traffic they will generate, their potential for creating pollution problems, and the likelihood that subsidiary development will be generated. In areas concerning land use of regional benefit, State authority must insure that local regulations do not unreasonably restrict or exclude such development. State regulation of the development of large-scale subdivisions or new communities should insure the planned maximum beneficial use of land and discourage development which intensifies such problems as urban sprawl.

## System Design for State-Wide Land Use Guidance

To achieve the stated objectives and in accordance with the adopted principles, a two-phase planning process is recommended.

PHASE I: DEVELOPMENT OF AN INTERIM STATE LAND USE PLAN. The Interim Plan should be developed within a period of one year utilizing existing data and State staff resources. This is essentially a management plan. The following is a discussion of tasks to be accomplished during Phase I.

The first task involves the development of the necessary management framework to implement a state-wide land use guidance system. An initial approach to this task involved the establishment of the Interagency Work Group on Land Use Planning. An expansion of this Work Group and further delineation of agency responsibilities should establish a management framework capable of implementing such a guidance system.

Profiles of present land use-related conditions will provide a means of assessing the status of existing data and establishing the need for additional information. Profiles on physical, economic, human and financial resources and the comparisons of such profiles will be used to produce the initial, substantiated list of areas of critical concern for the State.

The identification and rating of areas of critical concern will facilitate evaluation of competing land use commitments. The accumulation of data documenting change will call for continuing re-evaluation of the location and intensity of areas of critical concern throughout the land planning process.

A data base for continuing land use guidance should be organized. The data inventory will identify types of information available and required, existing maps and graphic

displays, and will establish the parameters used for measurement and classification of land use information. The data base will compile data gathered by federal, State, regional and local agencies engaged in land use planning as well as correlate the system design with census data and census geographic units.

Another task to be accomplished during Phase I requires a review of State and regional land use-related plans to identify conflicts and to provide for coordination of public activities and investments. Coordination among agencies and different levels of government will lead to a greater awareness of the growing pressure of conflicting demands on land resources and precipitate increased cooperation in determining solutions to these problems. For these reasons a concurrent review should be attempted of land use-related legislation, policies and programs of the State, its agencies and affiliated organizations to assess the overall impact of the State upon land development.

The final task to be accomplished in the Interim Phase involves the drafting of an initial statement of State land use policy to include appropriate administrative procedures and legislative action to implement a land use guidance system.

PHASE II: IMPLEMENTATION OF A STATE DEVELOPMENT GUIDE. Action on the Development Guide should begin concurrently with the Interim Plan and will require two years for completion. The following tasks are to be accomplished during Phase II.

A formal expression of state-wide land use policy suitable for adoption and implementation should be presented. Such a policy statement would provide a concise expression of the State's basic approach to land use guidance. It must be based upon decisions about State development goals and the most appropriate approach to achieving them.

A legislative package to permit implementation of the state-wide land use guidance system will be finalized. This legislative package represents an attempt to transform the policy recommendations of the Interim Plan into statutory language that will guide the development of any additional implementing legislation as well as the promulgation of consistent rules and administrative procedures.

Administrative and organizational arrangements will be formalized to permit continuing implementation of the state-wide land use guidance system. Responsibility will be assigned for specific functions such as regulatory, review and compliance with standards and guidelines. Specific proposals for reorganization or agency realignment may be an important element of this task.

Data collection and evaluation capabilities determined in the Interim Plan will be refined and continuously up-dated in Phase II to make land use and environmental information more readily accessible and to insure the availability of current information. Gaps in data previously identified in Phase I will be programmed into Phase II providing the means by which the Development Guide will be a more comprehensive and documented plan based upon a continuing evaluation of long-range state-wide goals and objectives, supported by a broadly based information system.

The Development Plan will present a finalized statement of land use objectives in accordance with adopted policy and will establish standards to guide development by both the public and private sector.

### Agency Responsibilities and Recommendations

In order to improve the effectiveness and efficiency of the task of developing a State land use guidance system the following recommendations and delineation of agency responsibility are put forward.

#### CREATION OF A SPECIAL COMMISSION ON LAND USE POLICY

Whereas it is vital that the growth and development taking place in South Carolina be directed in order to attain a viable balance between preservation and development; and,

Whereas it is evident that this direction of development requires a determination of the role of the State in examining land use issues and guiding urban, industrial, agricultural and recreational land use;

Therefore it is recommended to the Governor the establishment of a Special Commission on Land Use Policy charged with the study of all facets of land use guidance and land development regulation with a view toward insuring that South Carolina's State land use policy provides the highest quality of human amenities and environmental protection consistent with a sound and economic pattern of well planned development.

The membership of such Commission shall be appointed by the Governor and shall include representatives of any or all of the following: environmental interests, business interests, home construction industry, academic community, land sales industry, real estate profession, agricultural interests and shall consider other professions and occupations which may be effected by the provisions of a State land policy. Membership of the Commission shall be required to include a designated number of representatives of the

General Assembly. The Commission shall be empowered to designate the heads of all concerned State agencies or their representatives as ex officio members of the Commission on Land Use Policy. These agencies shall be charged to cooperate with and furnish to the Commission and its representatives such information as assistance as may be needed to accomplish the Commission's purpose.

The Commission shall render to the Governor and to the people of the State of South Carolina a summary of its analyses and investigations and a full report of its findings and recommendations at the time of the Annual Governor's Conference on Land Use Planning.

#### EXPANSION OF THE INTERAGENCY WORK GROUP ON LAND USE PLANNING.

As a result of the Governor's Conference on Land Use Planning held in November, 1971, an "Interagency Work Group" was appointed to explore the problems and procedures necessary for State guidance of land use development. At present this work group is composed of nine agency members:

Division of Administration (Coordinator)

Development Board

Highway Department

Wildlife and Marine Resources Department

Department of Parks, Recreation and Tourism

Water Resources Commission

Land Resources Conservation Commission

Attorney General's Office

Budget and Control Board

As the Work Group has proceeded in its investigation of land use issues it has become apparent that there are additional State agencies which have significant impact on land use. For this reason it is recommended that the Interagency Work Group on Land Use Planning be expanded to include the following State agencies:

Aeronautics Commission

State Department of Agriculture

Commission of Archives and History

Clemson University

University of South Carolina

Division of Geology (State Development Board)

State Board of Education

State Commission of Forestry

General Services Division

State Board of Health

Pollution Control Authority

State Housing Authority

State Ports Authority

Public Service Authority

Public Service Commission

Marine Resources Research Center (Wildlife and Marine Resources Division)

The State Division of Administration, Office of Planning, as an integral part of its state-wide planning function, should coordinate this effort and provide a core staff specifically responsible for this program. Some State agencies, as members of the Work

Group, should permanently assign one staff member to the Work Group to provide essential agency data and information. These agency staff members would be directly responsible to the Work Group and should expect to devote a portion of their time to work on land use policy. Other State agencies will serve a liaison role with the Work Group, cooperating in the development of land use planning. Such agencies shall not be required to appoint a staff member but merely to designate one of their number to cooperate with the Work Group when necessary.

Realizing the implications of such action and its importance to the development of a State land use policy, it is recommended that the Governor further <sup>request</sup> ~~require~~ that the following agencies designate one staff member to be responsible to the Work Group in the development of a State land use planning capability:

Commission on Archives and History

Attorney General

Clemson University

University of South Carolina

Budget and Control

State Development Board

Division of Geology

State Commission of Forestry

General Services Division

State Board of Health

Pollution Control Authority

Highway Department



Department of Parks, Recreation and Tourism

South Carolina State Ports Authority

Land Resources Conservation Commission

Water Resources Commission

Wildlife and Marine Resources Commission

Marine Resources Research Center

It is further recommended that the Governor <sup>request</sup> ~~require~~ the following agencies to cooperate with the Work Group in a liaison capacity:

Aeronautics Commission

State Department of Agriculture

State Board of Education

South Carolina State Housing Authority

Public Service Authority

Public Service Commission

Positive action of the preceding recommendations should facilitate the advancement of the task, on the part of the Work Group, of defining State land use policy and objectives and effective implementation of a land use guidance system for the State of South Carolina.